

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PEDRO ALICEA	:	CIVIL ACTION
	:	
v.	:	No. 22-3437
	:	
CITY OF PHILADELPHIA, et al.	:	

**ORDER**

AND NOW, this 6th day of December, 2022, upon consideration of Defendants' Motion to Dismiss (ECF No. 23) and Plaintiff Pedro Alicea's opposition thereto, and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED the Motion is GRANTED IN PART and DENIED IN PART, as follows:

- Count II is DISMISSED to the extent it relies on the Fourteenth Amendment, but proceeds under the Fourth Amendment; and
- Count IV's claim of municipal liability for malicious prosecution under the Fourteenth Amendment is DISMISSED, but the remainder of the *Monell* claims proceed.

The balance of the motion is DENIED.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, C.J.